



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,972	03/07/2002	Klaus Kursawe	CH920000068US1	9293
48915	7590	07/27/2005	EXAMINER	
CANTOR COLBURN LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			ALPERT, JAMES M	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 07/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,972

Applicant(s)

KURSAWE, KLAUS

Examiner

James Alpert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The following communication is in response to Applicant's amendment filed on 17 May 2005 and remarks filed on 14 September 2004.

Status of Claims

Claims 1-2, 4-5, 7 & 10-13 are currently amended. Claims 6,9 & 14 are as originally submitted. Claims 3 & 8 are cancelled. Claims 15-20 are new, so Claims 1-2, 4-7 & 9-20 are, therefore, currently pending.

Response to Arguments

Applicant's arguments filed 14 September 2005 have been fully considered. The claims rejected under 35 U.S.C §112 have been corrected by applicant's amendments, and are therefore withdrawn. The claim rejected under 35 U.S.C §101 has been corrected by applicant's amendment, and is therefore withdrawn. Applicant's remarks with respect to the claims rejected under 35 U.S.C §102 are persuasive, and the rejections are withdrawn. However, new grounds for rejection are presented below so Applicant's request for allowance is respectfully denied.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The ambiguity raised by the claim is whether the method reflects that multiple parameters can be accepted, yet only one parameter is utilized at a

Art Unit: 3624

time, or whether multiple parameters are used contemporaneously. The language is confusing, and appropriate correction is required. For examination purposes, the examiner treats the claim as disclosing the former.

Claim Rejections - 35 USC § 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-2, 4-7 & 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao, et al, U.S. Patent #5878337, in further view of Camacho et al, U.S. Patent Application Publication #2003020684.

With regard to Claims 1,11,12,13 Camacho teaches the first limitation of the method, medium and computer program product and system comprising:

comparing an actual value (a) with a preset parameter, the preset parameter defined by the account holder; (Page 4, Para. 42).

Joao teaches the other two limitations of the method and medium comprising:

deriving the information (Z) in response to a transaction (n) that influences the actual value (a); and (Col. 5, lines 40-51)

providing the information (Z) to the account holder through the device, the device associated with the account holder. (Col. 6, lines 4-32).

It would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the teachings of Joao, relating to transmitting transactional status and information, to an account holder for

Art Unit: 3624

authentication, with the teachings of Camacho, relating to a method for comparing current transactional information with previously submitted rules at a central server. The motivation for such a combination is to take the benefit of Joao in getting prior authorization, but centralize the decision-making regarding parameter matching. This way decision about whether to authenticate a potential purchaser in a transaction can be made very quickly by the stronger computers in the central location, as opposed to a remote device. This system would be able to handle a large number of transaction requests than otherwise.

With regard to Claim 2, Joao teaches the method comprising:

transmitting the information (Z) via the network and receiving the information (Z) by the account holder via the device. (Col. 7, lines 14-29)

With regard to Claims 4,16,18 Joao teaches the method, medium and system wherein:

the preset parameter comprises a limit. (Col. 7, lines 49-64)

With regard to Claims 5,17,20 Joao teaches the method, medium and system wherein:

the preset parameter comprises a geographic region. (Col. 7, lines 49-64)

With regard to Claim 6, Joao teaches the method further comprising:

the step of setting different parameters. (Col. 7, lines 49-64)

With regard to Claim 7, Joao does not expressly teach the method wherein:

the step of receiving the information (Z) comprises rendering the information (Z), the rendering including confirming a personal identification number assigned to the account holder.

However, Camacho teaches this limitation at (Page 8, Para. 76). A pass-phrase or personal identification number is an obvious modification to Joao. The motivation for such a modification is add even further security to the system in the event that the device associated with the account holder is lost or stolen.

With regard to Claim 9, Joao does not expressly teach the method wherein:
the step of receiving the information (Z) comprises requesting a password.

However, Camacho teaches this limitation at (Page 8, Para. 76). A pass-phrase or personal identification number is an obvious modification to Joao. The motivation for such a modification is add even further security to the system in the event that the device associated with the account holder is lost or stolen.

With regard to Claim 10, Joao teaches the method wherein:
the step of transmitting the information (Z) via the network and receiving the information (Z) by account holder via the device comprises a wireless communication technique.
(Col. 4, line 62 – Col. 5, line 2)

With regard to Claim 14, Joao teaches the system wherein:
the device is a mobile device. (Col. 4, line 62 – Col. 5, line 2)

With regard to Claims 15,19 Joao teaches the method and system wherein
the limit is a spending limit. (Col. 7, lines 49-64)


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Alpert whose telephone number is (571) 272-6738. The examiner can normally be reached on M-F 9:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent

Art Unit: 3624

Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.



James M. Alpert
May 11, 2005



HANI M. KAZIMI
PRIMARY EXAMINER